

BEFORE THE ARIZONA STATE BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

In the Matter of:)

SUSAN MARGARET SMITH, D.O.)
Holder of License No. 2606 / 3494)
For the practice of)
Osteopathic Medicine in the)
State of Arizona)

STIPULATION FOR
CONSENT ORDER FOR
ISSUANCE OF BOARD
LICENSE

STIPULATION

By mutual agreement and understanding, the Arizona State Board of Osteopathic Examiners in Medicine and Surgery ("Board") and Susan Margaret Smith, D.O. (hereinafter "Respondent"), the parties hereto agree to the following disposition of this matter.

1. Respondent acknowledges that she had read this Stipulation and the attached Stipulated Consent Order; and, Respondent is aware of and understands the content of these documents.

2. Respondent understands that by entering into this Stipulation, she voluntarily relinquishes any rights to a hearing on the matters alleged as ground for Board action or to seek judicial review of the consent order in state or federal court.

3. Respondent understands that this Stipulation and Order will not become effective unless approved by this Board and signed by its Executive Director.

4. Respondent further understands that this Stipulation and Consent Order, once approved and signed, shall constitute a public record which may be disseminated as a formal action of the Board.

5. Respondent admits to the facts and consents to all the

terms contained in the Stipulated Order.

6. Respondent acknowledges and agrees that upon signing and returning this document to the Board, she may not later revoke or amend this stipulation or the consent order, without Board approval.

IT IS HEREBY STIPULATED AND AGREED that any violation of said Board Order constitutes unprofessional conduct as defined in A.R.S. 32-1855.

REVIEWED AND ACCEPTED this 15th day of October, 1999.

Susan M. Smith, D.O.
Susan Margaret Smith, D.O.

State of Arizona)
County of) ss

Witnessed by Ann Marie Berger
10/15/99

This instrument was acknowledged before me this _____ day of _____, 1999, by the above-named individual.

Notary

My Commission Expires:

Reviewed and approved as to form
by counsel for Respondent:

Karen Owens

REVIEWED AND SIGNED this 16th day of October, 1999, for
the Board by:

Ann Marie Berger
Ann Marie Berger
Executive Director

BEFORE THE ARIZONA STATE BOARD OF

OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

In the Matter of:)	
)	
SUSAN MARGARET SMITH, D.O.)	FINDINGS OF FACT,
Holder of License No. 2606)	CONCLUSIONS OF LAW AND
For the practice of osteopathic)	CONSENT ORDER FOR
Medicine in the State of Arizona)	ISSUANCE OF BOARD
)	LICENSE

FINDINGS OF FACT

1. The Board of Osteopathic Examiners of the State of Arizona (Board) is the duly constituted authority for the regulation and control of the practice of osteopathic medicine in the State of Arizona.

2. Susan Margaret Smith, D.O. (hereinafter Respondent) is the applicant for license to practice osteopathic medicine in the State of Arizona.

3. The Board has reviewed Respondent's application for license and conducted interviews with Respondent during public Board meetings concerning Respondent's prior professional history as a licensee of the Board and all other relevant issues concerning his qualifications to obtain a Board license. The Board has arrived at its findings of fact based upon all of the information provided to the Board and made a part of the administrative record.

4. On October 16, 1999, during its public meeting, with Respondent present, the Board authorized preparation of a stipulated order granting Respondent a license to practice as an osteopathic physician in the State of Arizona; but, said license shall be placed on probation and subject to specific restrictions that are set forth

more specifically hereafter.

CONCLUSIONS OF LAW

1. The Arizona Board of Osteopathic Examiners in Medicine and Surgery possesses jurisdiction over the subject matter hereof and over the application for license submitted by Susan M. Smith, D.O., pursuant to A.R.S. § 32-1801, et seq.

2. The Board has authority to enter a final order and to enter into an agreement for the stipulated disposition of this matter pursuant to A.R.S. § 32-1822(D).

CONSENT ORDER

Pursuant to the authority vested in the Board, the Board voted to accept the stipulated disposition of this matter on October 16, 1999; and therefore, IT IS HEREBY ORDERED THAT:

1. Susan M. Smith, D.O. (RESPONDENT) shall be issued a Board license and placed on probation pursuant to conditions described hereafter. Respondent's practice of osteopathic medicine in the State of Arizona shall be restricted also as described more specifically hereafter.

2. The duration of probation shall continue for a period of five (5) years from the date of issuance of this Order and Dr. Smith ordered to comply with all terms and conditions set forth herein.

3. For a minimum of one year from the date of this Order, Respondent shall obtain psychiatric or psychological treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is selected by Respondent. Respondent shall inform the Board by letter (mailed within ten days of the date of this

SM 10/15/99

Order) of the therapist's name; and Respondent shall undertake and fully cooperate with a program of treatment established by the therapist. In the event Respondent changes therapist, she shall give the Board written notice within ten (10) days of said action; and, Respondent shall not discontinue psychotherapy until she has submitted a written request to the Board for discontinuance and obtained Board approval.

4. Respondent's therapist shall receive a copy of this Order and Board staff shall cooperate with and disclose all relevant information held by the Board concerning Respondent. The treating therapist shall be directed by Respondent to send to the Board a written progress report every month for the first six (6) months then every three (3) months for the remainder of the probation.

Respondent shall waive any confidentiality concerning her psychotherapy in order that the Board may receive full disclosure of information. The expense of the aforementioned therapy and the reports to the Board by Respondent's therapist shall be the sole responsibility of the Respondent.

5. Respondent shall provide a copy of this Board order to any employer and any hospital at which Respondent has or obtains privileges to practice to the hospital's chief executive officer within five (5) days of execution of this Consent Order in its entirety.

6. Respondent shall provide a copy of this Board Order to any treating physician.

7. Respondent may have her license to practice as an osteopathic physician restricted, suspended or revoked by the Board

in the future if:

- (A) The Board finds that Respondent does not have the requisite mental, physical and emotional fitness to continue the practice of medicine; or,
- (B) There are new grounds for finding unprofessional conduct concerning Respondent.
- (C) Respondent does not fully comply with all conditions of this Board Order.

8. Respondent shall abstain completely from the consumption of alcoholic beverages; and, Respondent shall not consume illicit drugs or take any controlled substances (i.e. prescription only drugs), unless such medication was prescribed for her by her treating physician. Respondent shall maintain a monthly log (for the duration of probation) of all prescription only drugs taken by her and such log shall include the following information:

- (a) the name of the medication;
- (b) name of prescribing physician;
- (c) reason for the medication.

At the first of each month, Respondent shall report by letter to the Board whether or not she is taking any prescription only medication and, if so, a copy of her log reflecting the above information.

9. Respondent shall also as part of her probation: (A) submit to an cooperate in any independent evaluation that is ordered by the Board for Respondent and conducted by the Board's designated physician and/or psychologist which shall be paid for by Respondent; and (B) appear before the Board, upon receipt of a request by written

or telephonic notification from the Board's executive director which shall be given at least five (5) days prior to the Board meeting; and, (C) submit to random biological fluid testing and promptly provide (i.e. within sixty (60) minutes of notification) required biological fluids for testing and said testing shall be done at the Respondent's expense.

10. Respondent shall participate in a minimum of two (2) self-help meetings per week (for a minimum of one hour per meeting) through such organizations such as Alcoholics Anonymous, Narcotics Anonymous and doctor's Caduceus group. Respondent shall maintain a written record of the dates, time and location of meetings attended, and, a copy of said written record shall be provided to the Board's staff on the first day of each month.

11. This Order shall supercede and replace all prior orders of the Board concerning Respondent.

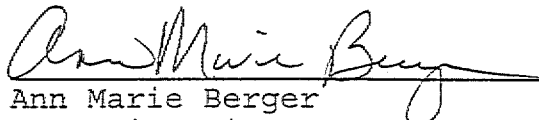
12. In the event Respondent ceases to reside in Arizona, she shall give written notice to the Board of her new residence address and telephone number within twenty (20) days of moving; and, the terms and duration of probation may be stayed by the Board until Respondent returns to Arizona.

13. Respondent shall reimburse the Board for all costs associated with the ongoing monitoring, investigation and administration of this Order.

7 (SUG) 10/15/99

ISSUED AND EFFECTIVE this 16th day of October 1999.

ARIZONA BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY


Ann Marie Berger
Executive Director

Served by personal delivery or by sending
U.S. Certified Mail this ____ day of
_____, 1999 to:

Susan Smith, D.O.
219 S. Mountain Ave.
Springerville 85938

Mailed this ____ day of ____
1999 to:

Blair Driggs
Assistant Attorney General
Civil/LES Division
1275 W. Washington
Phoenix AZ 85007
